SAYS PROHIBITION **CUTS POLICE POWER**

Argument of Bhode Island and Massachusetts Based on State Rights.

BIG PRINCIPLE INVOLVED

Solicitor-General Asserts That Amendment Gave Power to Act With the States.

WASHINGTON, March 9 .- Presentation of arguments in cases from Rhode Isiand and Massachusetts attacking the validity of the prohibition amendment to the Constitution were finished to-day in the Supreme Court. The case from Kentucky will be disposed of to-morrow, after which the question will be left for

Counsel for those attacking the amendment continued to argue that it was revolutionary and an invasion of

"You are now coming to a fork in the read, one leading to the power of amendment and the other back to the Constitution." Levy Mayer of Chicago told the Court, in opening for the Kentucky complainants. "The very proposition is staggering. There is no difference of the Mayers of the Court, in the court of the C ence if we discuss whiskey, tobacco or cotton. I rise above the question that

tion. Police power is synonymous with power of amendment, the sovereignty of the State. Remove the police power and no State will ex-

Mr. Mayer denied that the amendment had been ratified properly in view of referendum provisions in numerous State constitutions requiring such proposals to

submitted to the voters.

These contentions were denied by So-Heiter-General King and Assistant Attorney-General Frierson, who argued the amendment was properly adopted by Congress and had been ratified by threeof the States. The Solicitor-General also said the amendment did not interfere with the functions of the States, but gave the Federal Government power to act with the States in enforcing prohibition and resulted from a general demand upon Congress to assist dry States in enforcing prohibition laws.

U. S. JUDGE UPHOLDS DRY AMENDMENT

Feigenspan, Newark Brewer, Loses His Suit.

TEENTON, N. J., March 9,-Federal day the constitutionality of the Volstead suiting engineers, who already have in-

The court rendered a thirty-five page decision, which covered most of the leading arguments that have been used in the attack on the dry statutes, and enforcement power Judge Relistati

"What Congress has the power to do in exercising an implied power it as suredly may do in the carrying out of an express power. The alleged loss to the plaintiff which it is said will neces-the Agriculture Department for the next "What Congress has the power to do may do in the carrying out of, an express power. The alleged loss to the plaintiff which it is said will necessarily result from an enforcement of the mational prohibition act is incidental.

But it allone determines whether compensation shall be made for such loss."

Consider the Apriculture Department for the next starting prohibition act is incidental.

Senate Agriculture Committee.

The committee added \$1,722,000 to the amount carried by the bill as passed by the Alleged monopartity for the House.

The committee added \$1,722,000 to the amount carried by the bill as passed by the Alleged monopartity for the House.

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the manner in which the amendment ha been adopted. Judge Relistab said two thirds of the States had banned liquor before the amendment was proposed, and that the contention of many States that referendum was necessary for ratifica tion was unsound, as the convention was drawn ratified the document on behalf of the original thirte,n States with out referendum. Judge Relistab held this deals with whiskey and dwell on that this delegating of authority to rep the principle involved—Can this Constitution be uprooted?

"The question is more than prohibi- have never retaken to themselves the of the Constitution, and that the peop

27 MOKERS ARRESTED.

Two Employers Also Taken for Breaking Fire Laws.

Sudden activity on the part of fire prevention inspectors led to the arrest yesterday of twenty-seven factory employees and two manufacturers for fire law violations. The employees were fined \$20 each for carrying lighted eigarettes or smoking in the buildings. but only fifteen were able to pay the The others were sentenced to one

day in jail. Joseph de Matthaeis, 57 West Twenty fifth street, and Ray Nosovsky, 114 West Twenty-sixth street, manufacturers, were fined \$50 each for locking exit doors of their factories. The cases were heard before Magistrate Brough in Municipal Term Court.

ABANDON CONCRETE TUNNEL.

The New York State Bridge and Tuti nel Commission adopted yesterday a res-olution to case all further consideration TEXTON, N. J. March 9.—Federal of the Goethals concrete block type of Judge Relistab, ruling on an application tunnel as the sort of tube that should of Christian Feigensour, the Newark connect Jersey City and Manhattan, and brewer, to stay enforcement, upheld to decided so to inform the board of con-

dorsed the Holland type.

The New Jersey Interstate Bridge and Tunnel Commission is expected to dupli-cate this effort of the New York body to in the strack on the dry statutes, and concentrate future activities on getting permitted the defendant's counsel to bids and clearing minor obstacles to the have the bill of complaint dismissed. On realization of the vehicular passages under the Hudson.

he would be called as a witness. leanest years, and to much more in other years, it was stated.

that it is of little value. This report was denied emphatically by representatives of the committee, who stated that no attempt to formulate evidence has seen made as yet, and that none of the information gathered has been presented

It is stated that the inquiry will pay the Sweet-Anderson fight of 1914. Mr. Cuvillier made public several let

he committee "some valuable informa

JOHN D., JR.'S, DRY **GIFTS NO SECRET**

Helped Anti-Saloon League Annually, It Is Said.

A representative of John D. Rocke-eller, Jr., said yesterday there was othing secret about the fact that Mr. Rockefeller has been a contributor to the Anti-Saloon League.
"Mr. Rockefeller," he said, "for

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Continued from First Page,

Checks given by Mr. Rockefeller would contributions amount to \$15,000 in the

about something else. I did not may the Catholic Church is affiliated with any political organization, nor did I say the church is in conspiracy to contravene directly or indirectly the law of the land. There is a great difference between the Catholic Church and 'some Catholics.' What I did say was that most of the officiary of the Roman Catholic Church

umber of years has made an annua Saloon League, but he has made no conribution to any individual or paid the

William H. Anderson, State superis

by FRANK SWINNERTON

Marian Forster had the ripened dangerous beauty of the mature woman. Cherry Mant was only a girl but strangely suphisticated fascinating. The conflict in love of these two strongly contrasted personalities is the story with which the author of Nocturn grips you and holds you in his greatest book.

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Longacre 48th, W. of B'way, Eva 8:30 ROPULAR PRICE MATINEE TO-DAY F. Ray Comstock & Morris Gest Present

MONTH Adam and Eva

PRINCESS 30th E of B'way Evs. 8:30.
HERMAN TIMBERG'S

TICK - TACK - TOE

ords, Music & Lyrics by Herman Timberg

COMEDY 41st, or B'way Eventuca 8:25.

MY LADY America's with Clifton FRIENDS Comedy Crawford

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For two years The hit!
EAST IS WEST
WITH FAY BANTER
ASTOR - Metinees wed of Set.

ENTURY GROVE Roof of Cen

about some leaders of the Catholic Church with respect to enforcement of the prohibition amendment, then, by the inherent force of his own statement, so much the worse for these leaders.
"Not even the Archbishop of New York can obscure an issue by talking

According to one report given out to-day by those who are opposed to the investigation of the longue, the evidence so far gathered has been presented to competent authorities who have held

exectal attention to the activities of the Anti-Saloon League in connection with

ers he has received commending the assembly for its stand. He said he had rranged for a talk to-morrow with a Inited States secret service agent, who prepared to give the committee in-rmation regarding certain of Mr. Anrson's activities in Brooklyn. G. W. Walker, cartoonist, wrote to the con nittee that he had resigned from a posi-Company because he "could not stand for the Anti-Saloon League method of doing business and still retain a clear conscience," and adding he could give

and may be rented from

Little Whopper SHUBERT 44th, W. of B'r Bys. 8:15 Last Mats To day & Sat 2:15 Week MAGIC MELODY THEATRE Next Mon. Night Now

sued yesterday a reply to the letter writ- | clics as law abiding citizens should op- President Marshall, Attorney-General ten by Archhishop Hayes on Monday de-

scribing him as "a sower of strife and a beer while the Elighteenth Amendbrewer of higotry." He said:

"If, as charged by the Catholic Archbishop of New York, it makes me a sinleter figure. a sower of strife and a

"a Any attempt to bring back wine

"a Any attempt to bring back wine

ment stands.

"b Any attempt to change the Federal enforcement law until prohibition
bishop of New York, it makes me a sinleter figure. a sower of strife and a ister figure, a sower of strife and a brewer of bigotry to state the truth "c. Any attempt to nullify national prohibition by a beer bill in New York

"Then the league will make due amends. And all the more gladly because of the tremendous impetus such a declaration will give to genuine enforcement in New York.

JEFFERSON DINNER SPEAKERS

vited by Democrats.

Arrangements for the National Democratic Club's celebration of the 177th birthday anniversary of Thomas Jefferin this State are in sympathy with the Tammany efforts to destroy the prohi-bition victory. Which is a very differson, which will be held April 10 at the Hotel Astor, were announced yesterday by Deputy Police Commissioner Pred-erick A. Wallis, chairman of the dinner ent matter.
"The Archbishop can refute the Arti-Saloon Lesgue's statement on this point committee. In one way only—if he will declare that Among

Among those who have been invited he is opposed to and believes that Calh- to speak are President Wilson, Vice

AMERICA'S FOREMOST THEATRES AND HITS, DIRECTION OF LEE AND J. J. SHUBERT.

Winter Garden B'way & 50th Eves 900 | PLYMOUTH Thea, W 45th St. Eves. 8:10 JOHN BARRYMORE in RICHARD III Eve. Performance Starts 5 10 & Ends at 11 30

PASSING SHOW LOUIS DE POE, WORLD - A dazzing MATINER TO-DAY. EVES 8-30 WED & SAT MATS 2:30 BOOTH Thea., 45th, W. of B'way, Eve. 8 3th Matimes To-day & Sat. 2 30. DON'T WE HAVE FUN! LEO Ditrichstein PURPLE "IS FULL OF ACTION." -Sun-Herald, 39th ST. Mais. To-day & Sai. 2:40.

IN THE MUSICAL COMEDY HIT OF THE HOUR

LOOK WHO'S HERE WITH CLEO MAYFIELD CHORUS OF AMERICAN BEAUTIES

HAPPINESS-IN EVERY SEAT

CENTRAL Theatre, 47th 4B'y. Evs. 8. Matthews To-day & Sat. 2 SAM BERNARD IRENE BORDONI In the International AS YOU WERE Musical Success MAXINE ELLIOTT'S Them. North Ray 8 30. Mars. To-day & Sat. 2 30]

JOHN DREW In "The Cat Bard" "PERFECTION OF HIGH COMEDY."—The Times. Begin-TUESDAY, MAR. 16 To-mw "WHAT'S IN A NAME" WITH A CAST OF TO PEOPLE. Garrick 35th St., near B'way. Mate. To-m's Greedey 1822 Evs. 8 30 & Sat. 2:30. THE THEATRE OUILD Announces

"IANE CLEGG BELMONT
48th. E. of By.
Bryant 48. Exs.
845. Mis. Toun w
& 8at. 2.30.

NANCE O'NEIL
In Passion Flower Nora Bayes Then. 44th W of B'y Eve S:45.
LEAP YEAR MATS Today & Sat. 2:30.
Drchestra \$1:30. 300 Good Seats \$1:00.
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NEW YORK'S LEADING THEATRES AND SUCCESSES EMPIRE B'way & 40th St. Eves, 8:30.
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M. COHAN B'way, 43d St. Eve. 8:30.

COLLIER WITH THE HOTTENTOT.""A Laughing Riot."

Criterion Mats. Today & Sat. 2-20.
MATINEE TO-DAY AT 2-20. LIONEL BARRYMORE

THE LETTER OF THE LAW "THE NIGHT BOAT"

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Mats. TODAY & Sat. 2 20. Greenwich Village 4th St. 4 7th Av. Eva. 5th St. 2.30 EMILY STEVENS in PHILIP MOELLER'S NAUGHTY, BPARKLING JOYOUS COMEDY. EVENSUAL O. P. HEGGIE.

LYCEUM Theatre, West 45 St. Evs. 8.39
Mats. Tom's 45 St. 220.

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MOROSCO West 46 St. Even at 8 2 Mais. To-day & Sat. 2 20 A SENSATIONAL TRIUMPH! in Arnold Bennets's New Play, ELSIE erguson SACRED and FROFANE LOVE

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Mats. Thurs. & Sat. 2:30. Wedding Bells
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Mats. Today & Sat. 2.30.

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